

VOS-12 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Not yet assigned
Group : Not yet assigned
Applicants : U. Sonnewald and M. Ebneith
Serial No. : Not yet assigned
Filed : Concurrently herewith
For : 2-DEOXYGLUCOSE-6-PHOSPHATE (2-DOG-6-P)
PHOSPHATASE DNA SEQUENCES AS
SELECTION MARKERS IN PLANTS

New York, New York
April 25, 2000

Hon. Assistant Commissioner
for Patents
Washington, D.C. 20231

Attention: PCT Legal Office

PETITION PURSUANT TO 37 C.F.R. § 1.137(b)
FOR REVIVAL OF ABANDONED APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicants hereby petition for revival of International patent application PCT/EP98/02069 ("the PCT application"), which designates the United States. The PCT application unintentionally became abandoned as of October 9, 1999 because of applicants' failure to complete the requirements as set forth in 35 U.S.C. § 371(c) and 37 C.F.R. § 1.495(b), for entering national phase

in the United States, or to file a continuation application in the United States during the pendency of the PCT application.

Accordingly, as required by 37 C.F.R. § 1.137(b), this petition is accompanied by:

(1) a request to file a continuation application of International application PCT/EP98/02069 under 37 C.F.R. § 1.53(b), a copy of an English translation of the International application (specification, drawings, claims, Abstract and paper Sequence Listing), and a check in the amount of \$ 1,706 in payment of the filing fee [37 C.F.R. § 1.16 (a)-(d); and

(2) a check in the amount of \$1,210 in payment of the petition fee set forth in 37 C.F.R. § 1.17(m).

This application and the parent PCT application were filed after June 8, 1995 so that a Terminal Disclaimer is not required.

Applicants are filing this petition within three months of the date they were first notified that the PCT application was abandoned -- February 22, 2000. The entire delay in filing the required application from the October 9, 1999 national phase/continuation application due date until the filing of this grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Accordingly, applicants respectfully request that this petition be granted and the PCT application be revived. Early and favorable consideration of this petition is respectfully requested.

The Commissioner is hereby authorized to charge any additional fee due, or to credit any overpayment, in

connection with this petition, to Deposit Account No. 06-1075.
A duplicate copy of this Petition is enclosed herewith.

Respectfully submitted,

Jane T. Gunnison

James F. Haley, Jr. (Reg. No. 27,794)

Jane T. Gunnison (Reg. No. 38,479)

Attorneys for Applicants

Li Su (Reg. No. 45,141)

Agent for Applicants

c/o FISH & NEAVE

1251 Avenue of the Americas

New York, New York 10020

Tel.: (212) 596-9000

Fax.: (212) 596-9090